

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

<b>SECOND AMENDMENT ARMS, et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>No. 10-CV-4257</b>
	)	
<b>CITY OF CHICAGO, et al.,</b>	)	<b>Hon. Charles P. Kocoras</b>
	)	
<b>Defendants.</b>	)	

**DEFENDANTS’ RULE 12(B)(1) MOTION TO DISMISS COUNT I OF  
PLAINTIFFS’ COMPLAINT FOR LACK OF STANDING**

Defendants, by their attorney, the Corporation Counsel of the City of Chicago, respectfully move to dismiss the claims of Plaintiffs R. Joseph Franzese and Second Amendment Arms (collectively, “SAA”) pursuant to Federal Rule of Civil Procedure 12(b)(1) for lack of standing. In support of this motion, Defendants state the following:

1. SAA challenges the City’s former gun store ban, in effect until 2014.
2. The Court has already held that the gun store ban caused SAA no actual damages. *See* Dkt. 278 at 26–29. The City has explained that SAA has waived any claim for nominal damages, entitling the City to judgment. *See* Dkt. 291 at 2–3, 6–8; Dkt. 302; Dkt 309 at 4.
3. The City now additionally moves for dismissal of SAA’s claim pursuant to Fed. R. Civ. P. 12(b)(1) for lack of standing. Having suffered no concrete, non-speculative injury caused by the ban, SAA has no standing to challenge it.

WHEREFORE, as explained more fully in Defendants’ Memorandum of Law in Support of this Motion, Defendants respectfully request that the Court enter judgment in their favor on Count I of the Complaint, and grant them such other relief as is just and proper.

Date: January 23, 2024

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Respectfully submitted,

Corporation Counsel for the City of Chicago

By: /s/ Ellen W. McLaughlin  
Chief Assistant Corporation Counsel

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on January 23, 2024, the foregoing document was served on all counsel of record via the Court's ECF system.

/s/ Ellen W. McLaughlin